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10 **UNITED STATES DISTRICT COURT**
11 **SOUTHERN DISTRICT OF CALIFORNIA**
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13 MARIA R. METCALF,

14 Plaintiff,

15 v.

16 DREXEL LENDING CORP., et al.,

17 Defendants.
18

CASE NO: 08-CV-0731 W (POR)

**ORDER GRANTING
PLAINTIFF LEAVE TO AMEND
THE COMPLAINT**

19 On June 23, 2008, Plaintiff Maria Metcalf filed an ex parte application for (1) a
20 temporary restraining order, (2) continuance of the hearing on Defendants' motions to
21 dismiss, and (3) leave to amend the complaint.

22 On July 3, 2008, the Court issued an order denying the TRO, and continuing the
23 hearing on Defendants' motions. The order also denied the motion to amend as moot
24 because "none of the Defendants have filed a responsive pleading" and accordingly the
25 Court reasoned that "Plaintiff does not need a court order to amend the complaint." (Doc.
26 No. 31 at p.4.)

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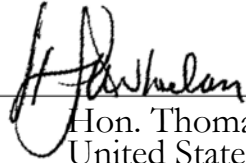
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1 Upon further review of the docket, the Court has learned that when the order was
2 issued, one of the five defendants (Robert E. Weiss, Inc.), had filed an Answer. (See Doc.
3 No. 15.) Plaintiff's motion to amend should, therefore, not have been denied as moot.

4 Accordingly, having reviewed Plaintiff's ex parte application requesting leave to
5 amend, and good cause appearing, the Court **GRANTS** Plaintiff leave to amend the
6 complaint. Plaintiff's amended complaint is due on or before **August 1, 2008.**

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8 **IT IS SO ORDERED.**

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11 DATED: July 23, 2008

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15 Hon. Thomas J. Whelan
16 United States District Judge
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